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Federal Communications Commission
Office Of The Secretary
1919 M Street, room 222, N.W.
Washington, D.C. 20554

Re: Broadcast Ownership Rules, MM Docket No. 98-35

FCC:

As a citizen, and as a broadcasting professional who has worked in the radio industry for 27 years, in literally dozens of markets, I am exercising my right to submit my comments to the Commission, concerning ownership rules.

When I first entered the broadcasting business, there was a small area of my mind which whispered, "someday, you may own a radio station of your own". Indeed, I have known and worked with many people who eventually went the entrepreneurial route, and were at one time able to purchase a small property in a small market.

Today, in the post-"Telecom Bill" era, even a modest operation such as that is beyond the reach of almost every individual citizen. In those tiny markets, broadcasting groups are buying up the old "mom and pop" outfits, presumably in the hope that their stations will eventually be swallowed whole by the major ownership groups.

And it is those major groups which exert the real influence over our culture and information flow, in the medium-to-large markets. There are a literal handful of corporations who own hundreds of properties across America. They accomplished this by performing the investment equivalent of "dumping": they paid FAR more for each property than it was ever worth, and leveraged each purchase through the roof, simply for the purpose of locking up as many frequencies in each market as possible. With the lines of credit available only to large conglomerates, broadcast properties have gone the way of average citizens' influence on their government: shelved in favor of the influence of the Corporatocracy.

The real-world effect of all this leveraging, was to necessitate each station's selling massive amounts of commercial time, while cutting overhead not just to the bone, but to the skeleton, to survive and make a profit. This became problematic when the shadow of the operation which used to be a typical radio station resulted in a wholesale lowering of ratings shares; the "barometers" of commercial spot rates and percentage of the public being served by said station.

It is a problem which, for the big ownership groups, solved itself. With a fraction of the employees, and with all formatic and demographic bases covered in each market's company portfolio, the very concept of "ratings" is becoming superannuated, as we speak.

Where the concept of "competition" once meant the stations that best served their audience received the highest return (a truly American system of achievement and reward), where the number one station once might pull a 25 share or more, we now typically see a company owning, maybe, eight FM stations in a market, each averaging a ratings share of 2; each covering a "format niche" in the market. And with the cross-pollination of corporate America's boardrooms/investor class, very often we see the other companies in a market, never really providing that competition either, for some strange reason.

This is a startling evolution from the days when a licensee "served the public"; "public service programming" was once defined by a form of high-minded presentations, later considered laughable and passe. The idea of a station serving its community was amended, mostly by the industry itself, to mean "having a substantial audience".

Today, incredibly, even that reconstructionist pretext is null and void.

Indicative of this changing paradigm, one corporation recently called all its lieutenants across the country together, and held a seminar. It was then proclaimed that from now on, they would be expected to develop what are coming to be known as "alternative sources of revenue", which are not ratings-dependent. The word behind the scenes was, that having so many properties in each market, and so many markets, the Company would soon use its muscle to take a stand against the use of ratings services at all.

Radio stations are not convenience stores: one cannot simply find the property and secure the financing to build on it; there are, of course, a finite number of frequencies in any one region. When you artificially inflate the value of those finite frequencies (I invite the Commission to do its own research as to the value of a frequency in any Top 100 market, over a period of the last 30 years, with particular emphasis on the last decade), you are locking out the potential owners who have no access to the lines of credit known only to the titans of the financial world.

Thus, this begs the pivotal questions: who had the right to place these frequencies out of reach of all but the Corporate Class? And at whose pleasure does the Federal Communications Commission truly serve?

It has always been my understanding that the corporate consolidators who arranged the passage of legislation to allow multiownership, did so merely with an offhand explanation to the American public, along the lines of, "With all the various forms of advertising media, we need to own more in order to compete". I have yet to hear an adequate explanation of why a frequency must be worth so much (leveraged), that a return on the investment against other advertising media is impossible for a broadcasting company, unless all frequencies are controlled by the company.

Nor do I comprehend how a broadcasting corporation can possibly "compete" with itself, or how one of maybe three major owners can represent one major market and technically escape being called a "monopoly".

I have not, up until this point, expressed my own interest in the Commission's revisiting of the ownership rules. Perhaps it is because there is a feeling prevalent in my industry that the status quo has been bought and paid-for with finality, vis-à-vis our Congress; perhaps I hear the echo of the more dominant and sinister perception in my business, that even to raise one's voice against all this, in an industry so tightly controlled by a powerful few, is an invitation to expulsion from the career field.

I only know that mine is one of many stories with a similar chorus. I have watched a major and a top 50 market, Miami-Ft. Lauderdale and West Palm Beach, Florida (both within driving distance of my home), undergo the effects of multiple ownership. Then I watched as one of the international megalopolies, Clear Channel Communications, gobbled up both of them.

The results were, first of all, disastrous for area listeners. Where Miami once had two major talk stations, two major oldies stations, and two album-oriented rock stations, Clear Channel has reduced each format representation to one, some of which they as a company have abandoned (note: in fairness, they have just acquired the major West Palm Beach talk station; it's anyone's guess what consolidation will mean for them at this juncture).

In the area of talk radio alone, where Miami once had a highly-rated talk station, that station (after a frequency flip) has now consolidated with one other Miami talk signal AND one in West Palm Beach. This networking has deeply reduced the listenership of all three talk outlets across the board in two markets.

As far as the working professionals in both markets are concerned, the effect has been devastating. The company has also jettisoned literally dozens of employees, for the purpose of running "lean and mean".

The above-mentioned Clear Channel Communications is hardly the sole practitioner of these types of business practices, but there's a dark twist to the way this company operates: as Clear Channel takes over a market, all employees working at an acquired station are summarily instructed to sign "standard" papers, in return for the right simply to collect their paychecks. These documents enjoin an employee from bringing suit against the company, and from working in an unreasonably-wide regional area, for an unreasonably-long period of time, after resignation OR dismissal.

Far from being a "standard" noncompete clause, this statement contains a rider, which affirms that if the employee were not to work within the noncompete area for the prescribed length of time, he or she, in their own belief, would suffer no deleterious effects on his or her career. Outrageously, this forced, "bulletproof" contract is clearly touted in the Clear Channel Communications Annual Report, as an "asset": it is considered a "unique" resource, with actual dollar value to the stockholder, guaranteeing to the corporation a fully-controlled employee! Where do you go for relief, in an ownership climate like this?

I can tell you how it affects me, personally. After cultivating my radio talent since 1971, I find that what I used to think of as "experience" has now morphed into a handicap. The more years one spends honing one's craft are nowadays a detriment to the prospect of employment. After being out of full-time work in either of two local markets, I today find myself faced with the necessity of selling my family's home, and moving far away, to accept a job (with another radio mega-corporation), at a salary equivalent to what I was earning some 13 years ago. And I can't complain; only through my future employer's atypical willingness to offer me that salary at all, do I not find myself too "over-the-hill" and experienced for the "lean and mean" realities of today's radio industry.

I only relate this personal story to bear witness, because I am merely one of a hundred, perhaps a thousand. Listeners, working professionals... we've all been relegated to irrelevance in the shadow of the broadcasting czars. Whether speaking in terms of the audience, or of the radio professionals, "growth" is a term which can only be applied fairly to the owners, for whom the deck is loaded. There is no fairness, when those are the airwaves which, prior to being commandeered by the Congress Of The United States for its friends, used to belong to "the people".

I would urge this body to consider nothing less than a structured divestiture of broadcast properties by today's owners, and a total return to nothing more than the traditional "Seven AM, Seven FM, One TV, One Group Per Market" rules which, amazingly, stood our nation in good stead for decades, and allowed a public to be served, and a great industry to develop.

Sincerely,

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10 copies to Commission
cc.'s to members:
Senate Commerce Committee
House Telecom Committee